



COPY MAILED

JUN 05 2008

OFFICE OF PETITIONS

Law Office of Scott C Harris
PO Box 1389
Rancho Santa Fe, CA 92067

In re Application of Carmichael et al.	:	
Application No. 09/493,756	:	Decision on Petition
Filing Date: January 28, 2000	:	
Attorney Docket No. 21100-003001	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 14, 2008, to revive the above-identified application.

The petition is **dismissed**.

The Office mailed a non-final Office action on June 20, 2002, set a shortened statutory period for reply of three (3) months. A reply was not filed in response to the June 20, 2002 Office action. As a result, the application became abandoned as of September 21, 2002. The Office mailed a Notice of Abandonment to the assignee on January 29, 2003.

A petition under 37 CFR 1.137(a) was filed October 27, 2006. The petition was dismissed December 14, 2007. The petition was dismissed for two reasons:

- (1) The petition was not accompanied by a reply to the outstanding Office action, and
- (2) The petition was not accompanied by a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable.

The instant petition was filed May 14, 2008.

The instant petition under 37 CFR 1.137(b) does not require a showing that the entire delay was unavoidable. However, the petition does require the submission of a reply to the outstanding Office action. Office records indicate a reply to the outstanding Office action has not been filed. Therefore, the petition must be dismissed.

Any request for reconsideration should include a reply to the outstanding Office action. Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

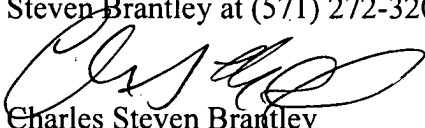
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney
Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions